

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	:	Chapter 11
SERTA SIMMONS BEDDING, LLC, et al.,	:	Case No. 23-90020 (DRJ)
Debtors.	:	(Jointly Administered)
 	:	:
SERTA SIMMONS BEDDING, LLC, et al.,	:	:
Plaintiffs and Counterclaim Defendants,	:	Adversary Proc. No. 23-09001 (DRJ)
v.	:	:
AG CENTRE STREET PARTNERSHIP L.P., et al.,	:	:
Defendants, Counterclaim Plaintiffs and	:	:
Third-Party Plaintiffs,	:	:
v.	:	:
AGF FLOATING RATE INCOME FUND, et al.,	:	:
Third-Party Defendants.	:	:
 	:	:
 	:	:

DECLARATION OF ERIK KREUTZER

Pursuant to 28 U.S.C. § 1746, Erik Kreutzer declares as follows:

1. I am Director, General Counsel, Chief Compliance Officer, and Head of Legal at Z Capital Credit Partners, L.L.C. I joined Z Capital Credit Partners in 2021.
2. I submit this declaration in support of the Excluded Lenders' Memorandum of Law in Opposition to Plaintiffs' Motion for Summary Judgment.
3. Z Capital Credit Partners first purchased Serta First Lien Term Loans with a face value of [REDACTED] on December 3, 2018.
4. As of June 8, 2020, Z Capital Credit Partners held Serta First Lien Term Loans with a face value of [REDACTED]

5. Z Capital Credit Partners was not invited to participate in the liability management transaction that was completed in June 2020.

6. On June 8, 2020, after the transaction at issue had been announced to the market, [REDACTED], then a Managing Director at Z Capital Credit Partners, contacted [REDACTED] to [REDACTED]

[REDACTED], because [REDACTED] [REDACTED] informed [REDACTED] that the transaction was [REDACTED] further informed [REDACTED] that the [REDACTED], [REDACTED]

I attach as Exhibit 1 a copy of [REDACTED] email correspondence that has been produced in this matter (SSB_ADVERSARY00139403).

7. Following this exchange, on June 20, 2020, [REDACTED], an Associate at Z Capital Credit Partners, contacted [REDACTED], one of the preferred lenders who did participate in the transaction and is a plaintiff in this adversary proceeding. [REDACTED] noted that Z Capital Credit Partners had “[REDACTED]

[REDACTED] [REDACTED] related that although Z Capital Credit Partners was “[REDACTED] [REDACTED] [REDACTED]” and reiterated [REDACTED] request that Z Capital Credit Partners “[REDACTED] [REDACTED]” [REDACTED] expressed Z Capital Credit Partners’ desire “[REDACTED],” while also acknowledging “[REDACTED].” [REDACTED] responded

that [REDACTED]

[REDACTED]" I attach as Exhibit

2 a copy of [REDACTED] email correspondence that has been produced in this matter
(SSB_ADVERSARY00157024).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 16, 2023
New York, New York



Erik Kreutzer

**KREUTZER EXHIBIT 1 –
FILED UNDER SEAL**

KREUTZER EXHIBIT 2 – FILED UNDER SEAL